G. R S. IX-5]

Previous references.

File No. 251-1C

1918.

(Mus)

Serial Nos.

1 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for January 19

SUBJECT.

Recovery of money out of the Judicial funds of the Mus State before it came under the management of the Mus Deptt

---

AG Havana

No 1859 D 21 / 19

Informs the Mus Repr will not apply for the _____

W D 88—GPB—50,000—24-7-16

Mus

655

(G. R. S. III—1] 1918-19

GENERAL AND REVENUE SECRETARIAT.

(Muz)

NOTES.

File No. 257-18

FILE HEADING.

Recovery of money lent out of the fundavat funds of a Muzrai Institution befor it came under the management of the Muzrai Department.

From

The Dy: Comr, Hassan Distt.

No. C-225-18 Dated 27-9-18 Received 28-9-18

Diary No. 655	Enclos. - Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests to know if sections 9, 10, 11 and the last of 19 of the Muz: Regn, under which arrears of rent or revenue due from the tenants in respect of temple properties may be recovered as arrears of Land Revenue, may be made applicable in the case of recovery of amounts lent out of the fundavat funds of the institution before it came under the management of the Dept.

NOTES AND ORDERS.

Under section 9 of the Muzrai Regulation, in case of any misappropriation or misapplication of any part of the property pertaining to an institution, or any breach of trust thereof, the matter may be dealt with under clauses (1)to(5) of the section -

NOTES—First Sheet.

WD 1232—GPB—20,000—15 11 18

G. R. S. III-2]

General and Revenue Secretariat. | May File No. 257 of 1918.

Serial No.

Pudavat amounts lent out may be recovered and delivered to the institution under clause (2) of the section or security may be demanded under clause (3) or other necessary steps taken under clause (5) - Subd. for orders.

26-11-18 26/11/18

2 Recovery of Amounts lent out of pudavat funds can be dealt with under §9 of the Regulation, only if there has been misapplication or misappropriation or breach of trust in respect thereof on the part of the Manager of the Inst; when the management was not vested in the Hon. Deptt. §§ 10 and 11 do not apply as the present question concerns Amounts loaned. §14 deals with recovery of rent or income of a Hon. Inst viz of an Inst which has come under the Management of the department; Obviously this can relate to arrears accrued since the Resumption of Management. - Again the recipients of Pudavat loans can

NOTE—Contn. sheet

GWD A 1789--GPB--60 000- 20 3 19—S.

G. R. S. III-2]

General and Revenue Secretariat.

MW2. File No. 257 of 1918.

Serial No.

be called tenants become within the purview of §19.

3. It is submitted that Opinions of Govt on the abstract question raised would, if now furnished, embarass the Situation, if actions taken by the Dy Comr under the Authority of the interpretation now given, were subsequently challenged in appeal before Govt. The mode of Special reference now made, does not find any analogy, even in the Civil Courts. Legislative provisions have to be interpreted by the officers administering the same, leaving it to the party dissatisfied, to appeal.

Copy

There is no harm in telling the Dy Comr that the teaching will not apply to the case in point. And the practice has already been for the Mugtasi officer or the Dharmadarsi to file a civil suit for Such necessary. Please consult Govt

Yes
W. C.

NOTE—Contn. sheet

655 (4

WD 1233—GPB—60 000—1 12-16—S

9

G. R. S. III-2]

General and Revenue Secretariat. | Mug File No. 257 of 1918.

Serial No.

5. To Section 4 Branch III of the Chief Secretariat as per orders on the preceding page for favour of opinion

2.12.18

4/12/18

6. Subd with a copy of "The Mayne Mercvoi Reqr".

M.O.R.
6.12.18

7. The view taken above seems correct the Section referred to by the D.C. cannot be held to be applicable to the recovery of money lent out of Pudwal Fund. Recourse should be had to ordinary Courts under civil law.

9.12

Gujerat Secretariat

Subd

10/12

8. Subd with reference to Orders on last page.

Seen.

9.12.18

10/12

12/12/18

10. Draft letter put up

Seen

NOTE—Contn. sheet.

MD 1253—G.P.L.—60,000—1-12-16—S.

(5.

G. R. S. III-2]

General and Revenue Secretariat. | Mysr File No. 251 of 1918.

Serial No.	
	11. Subd with a draft for approval & other orders thereon
2668-3/8. 30.12.18.	
	Draft approved
	Rice 31.12.18
	28 31/12/18
2.	No 18 59 dy 21.1.19. To D.C. of Hassan. States that Sections 9, 10, 11 and 19 of the Mysr. Regulation will not apply to the case in question.

NOTE—Contn. sheet.

WD 0463—GPB—3,00,000—21-7-17—S.

655

18-19

Mewe

251-18

1

191

From C. Venkata Rao, Esquire, B.A.,
Deputy Commissioner, Hassan District.

To G. Aravamuda Iyengar, Esq., B.A., B.L.
Joint Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Muzrai Department. Bangalore.

Dated 27th September 1918.

Despatched 28 ——

Received

General No. C-225-18

No. H-C.

Enclosure No. — 714

SUBJECT.

Requesting instructions as to the procedure to be adopted for the recovery of money lent out of the pudavat funds of a Muzrai Institution before it came under the managerent of the Muzrai Depart-ment.

1918-19.

Office of the Deputy Commissioner,
Hassan District.
Dated Hassan the 27th September 1918.

To Venkata Rao, Esquire, B.A.,
Deputy Commissioner, Hassan District.

G. Narasimha Iyengar, Esquire, B.A., B.L.,
Joint Secretary to the Government of
His Highness the Maharaja of Mysore,
Muzrai Department, Bangalore.

Sir,

I have the honor to state that under Sections 9,10 & 11 of the Muzrai Regulation of 1913, the Muzrai Officers are empowered to hold enquiries into the mismanagement or misappropriation or breach of trust in respect of the properties of the Muzrai Institutions and pass orders directing the defects to be set right, and under section 10 of the Regulation, arrears of rent or revenue due from the tenants in respect of temple properties may be recovered as arrears of Land Revenue. It is not clear whether the above Rules are applicable in the case of recovery of amounts lent out of the pudivat funds of the Institution before it came under the management of the Muzrai Department. I request that you will be so good as to enlighten me in the matter and favour me with instructions as to how such cases should be proceeded with.

The favour of an early reply is requested.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Hassan District.

3/1/19

7

G S. VI—G

SUBJECT States that sections 9, 10, 11 & 19 of the Muz: Regn will not apply to the recovery of money lent out of Pudavat funds of a Muz: institn before it came under the management of the Muz: Deptt.

Diary No. of letter replied to 655

Section Meer
File No. 251-18
Serial No. 2

GENERAL AND REVENUE SECRETARIAT,
(Muz)
, the 191

No. 1859

Date of issue 21/1/19

To

The Deputy Comr, Hassan Distt,

Signed by Mr. elle Secretary Rev. Sir

In reply to your letter no C. 225-18/H.C & 27-9-18 requesting ~~to be enlightened~~ instructions as to the applicability of sections 9, 10, 11 & 19 of the Muzrai Regulation I of money lent out of the pudavat funds of a Muzrai institution before it came under the management of the Muzrai Department, I am directed to state that

will not apply to the case in point
the correct procedure
and that ~~practice~~ has all along
is to have recourse, when
~~such as the Attorney appointed to the~~
Civil
by the Courts for the
~~Chairmanship to file such draft~~
under the provisions
~~of such enactment~~ —

Full
31 12 18

Prime Min

The Secretary
Treasury Dept
Rd
17.12.18

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15 11 16